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6 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

7 SANDRA M. MEZA-PEREZ an Individual,
8 Plaintiff,
9 vs.
10 SBARRO LLC dba SBARRO PIZZA, a
foreign limited liability company, SBARRO
11 INC., dba SBARRO PIZZA a foreign
corporation, ZACHARY CEBALLES, an
individual, EFRAIN HERNANDEZ, an
individual, JESUS ALATORRE, an
individual,
13 Defendants.

CASE NO.: 2:19-cv-00373-APG-EJY

**MOTION TO EXTEND TIME FOR
PLAINTIFF TO FILE REPLY BRIEFS
IN SUPPORT OF HER POST-TRIAL
MOTIONS [ECF NOS. 434 – 440]**

(SECOND REQUEST)

14 Plaintiff, Sandra M. Meza-Perez, by and through her counsel of record Jenny Foley,
15 Ph.D., Esq. of HKM Employment Attorneys LLP, hereby Requests an Extension to File Reply
16 Briefs in Support of Plaintiff's Post-Trial Motions.

17 **I. PROCEDURAL HISTORY**

18 On October 4, 2022, Plaintiff filed the following post-trial motions: 1) Renewal of Her
19 Motions for Reconsideration and Clarification of This Court's Prior Order on Summary
20 Judgment Dismissing Her Claims for Negligent Hiring, Negligent Supervision and Negligent
21 Retention [ECF No. 434]; 2) Motion for New Trial Pursuant to FRCP 59(A) [ECF No. 435]; 3)
22 Rule 50(b) Renewed Motion for Judgment as a Matter of Law [ECF No. 436]; 4) Motion for
23 Dispositive Sanctions Based Upon Sbarro and Ceballes' Spoliation of Evidence and Requesting
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1 Alternate Relief Under FRCP 50(B) for Judgement as a Matter of Law in Plaintiff's Favor
2 and/or a New Trial, Under FRCP 59(A) for a New Trial, and/or Under FRCP 60(B)(1) and (3)
3 for Relief from the Judgment [ECF No. 437]; 5) Motion for Dispositive Sanctions Based Upon
4 Sbarro and Ceballes' Spoliation of Evidence and Requesting Alternate Relief Under FRCP
5 50(b) for Judgement as a Matter of Law in Plaintiff's Favor and/or a New Trial, Under FRCP
6 59(a) for a New Trial, and/or Under FRCP60(b)(1) and (3) for Relief from the Judgment [ECF
7 No. 438]; 6) Motion for Dispositive Sanctions Based Upon Sbarro and Ceballes' Spoliation of
8 Evidence and Requesting Alternate Relief Under FRCP 50(b) for Judgement as a Matter of Law
9 in Plaintiff's Favor and/or a New Trial, Under FRCP 59(a) for a New Trial, and/or Under
10 FRCP60(b)(1) and (3) for Relief from the Judgment [ECF No. 439]; and 7) Motion for
11 Dispositive Sanctions Based Upon Sbarro and Ceballes' Spoliation of Evidence and Requesting
12 Alternate Relief Under FRCP 50(b) for Judgment as a Matter of Law in Plaintiff's Favor and/or
13 a New Trial, Under FRCP 59(a) for a New Trial, and/or Under FRCP60(b)(1) and (3) for Relief
14 from the Judgment [ECF No. 440].

15 On October 18, 2022, Sbarro filed the following responses to Plaintiff's post-trial
16 motions: 1) Opposition to Plaintiff's Renewal of Her Motions for Reconsideration and
17 Clarification of This Court's Prior Order on Summary Judgment Dismissing Her Claims for
18 Negligent Hiring, Negligent Supervision and Negligent Retention [ECF No. 441]; 2)
19 Opposition to Plaintiff's Rule 50(b) Renewed Motion for Judgment as a Matter of Law [ECF
20 No. 442]; 3) Consolidated Opposition to Plaintiff's Motion for Dispositive Sanctions Based
21 Upon Sbarro and Ceballes' Spoliation of Evidence and Requesting Alternate Relief Under
22 FRCP 50(b) for Judgment as a Matter of Law in Plaintiff's Favor and/or a New Trial, Under
23 FRCP 59(a) for a New Trial, and/or Under FRCP60(b)(1) and (3) for Relief from the Judgment

1 [ECF No. 443]; and 4) Opposition to Plaintiff's Motion for New Trial Pursuant to FRCP 59(A)
2 [ECF No. 444]. On October 18, 2022, Ceballes joined each of Sbarro's responses to Plaintiff's
3 post-trial motions [ECF Nos. 445-448].

4 Accordingly, Plaintiff's reply briefs in support of her post-trial motions were due on
5 October 25, 2022. However, on October 25, 2022, the parties stipulated and agreed that Plaintiff
6 would have until Monday, October 31, 2022, to file her reply briefs and filed a stipulation and
7 order that reflected this stipulation and agreement [ECF No. 449]. Shortly thereafter, on October
8 26, 2022, the Court signed the stipulation and order [ECF No. 450].

9 **II. LEGAL ARGUMENT**

10 Pursuant to LR IA 6-1, this is the second request for an extension of time for Plaintiff
11 to file her reply briefs in support of her post-trial motions. Plaintiff's counsel makes this
12 request for good cause, and not for the purpose of delay, as Plaintiff's counsel is still
13 addressing a family emergency. A declaration from Plaintiff's counsel, Jenny L. Foley, Ph.D.,
14 Esq., is attached hereto as Exhibit 1. Additionally, since these are post-trial motions, there is
15 little chance of prejudice if the extension is granted.

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1 **III. CONCLUSION**

2 In view of the foregoing considerations, herein Plaintiff requests the Court to grant an
3 extension, up to and including November 7, 2022, in which to file Plaintiff's reply briefs in
4 support of her post-trial motions.

5 Dated this 31st day of October 2022.

6 **HKM EMPLOYMENT ATTORNEYS LLP**

7 /s/ Jenny L. Foley

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15 *Attorneys for Plaintiff*

16 IT IS SO ORDERED:

17 Dated: November 1, 2022



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19 ANDREW P. GORDON
20 UNITED STATES DISTRICT JUDGE